IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION No.2722 OF 2007

Between:

M.Balaramakrishna

..... PETITIONER

AND

The Assistant Commissioner,
Endowments Department,
Eluru, West Godavari District.

....RESPONDENT

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.2722 OF 2007

O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by an order of the A.P. Administrative Tribunal in O.A.No.81 of 2007 dated 19.01.2007, the partially successful applicant therein preferred the present writ petition.

The petitioner is an Executive Officer Grade-III working at Sri Venkateswara Swamy Temple, Tanuku Town, and is governed by A.P. Charitable and Hindu Religious Institutions and Endowments Subordinate Service (Non-Gazetted) Rules. By proceedings dated 30.12.2006 of the sole respondent, charges were framed against the petitioner alleging certain acts of misconduct and also the petitioner was kept under suspension by the said proceedings. The petitioner challenged the said proceedings in the abovementioned O.A. By the order under challenge in this writ petition, the Tribunal partly allowed the O.A. filed by the petitioner herein and set aside the impugned order to the extent of framing charges on the ground that the respondent is not the competent authority to frame the charges, but insofar as the suspension is concerned, the Tribunal declined to interfere on the ground that the respondent herein is an authority superior to the

competent authority of the petitioner, and therefore, has the necessary authority law under Rule 14(1)(a) of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.

Aggrieved by that part of the order by which the Tribunal declined to interfere with the order of suspension, the present writ petition is filed.

The only submission made by the learned counsel for the petitioner is that under Rule 8(1)(a) of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, the suspension of an employee of the State Government under the said Rule is permissible only when an enquiry is contemplated and in view of the fact that the charge sheet dated 30.12.2006 is set aside by the Tribunal, it cannot be said that there is an enquiry under contemplation. Rule 8(1)(a) reads as follows:

> **"Rule 8. Suspension :-- (1) A member of a Service may be placed under suspension from service –**
>
> **(a) where disciplinary proceeding against him is contemplated or is pending, or"**

The language in the above extract is clear to the effect that it authorizes the suspension of an employee of the State in two contingencies viz., where there is disciplinary proceeding pending against an employee or in the alternative, where the disciplinary proceeding is contemplated. In our view, the submission of the learned counsel for the petitioner cannot be accepted. The fact that the charge sheet was quashed by the Tribunal, necessarily leads to an inference that there is no enquiry pending as of now. But, it cannot be said that in view of the factual background that an authority, which is competent to suspend the petitioner, had taken decision to keep the petitioner under suspension on certain definite charges, though the charges were

not framed by the appropriate authority. It is a clear case where an enquiry is contemplated and we do not see any merit in the writ petition, and therefore, it is dismissed at the admission stage itself. No costs.

JUSTICE J.CHELAMESWAR

P.SWAROOP REDDY

15th FEBRUARY, 2007
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.2722 OF 2007
(Per Sri Justice J.Chelameswar)

15th FEBRUARY, 2007